

Page 1 of 18  
Permit No. ST-7442  
Issuance Date: March 1, 2004  
Effective Date: March 1, 2004  
Expiration Date: March 1, 2009

STATE WASTE DISCHARGE PERMIT

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY  
Northwest Regional Office  
3190 – 160<sup>th</sup> Avenue SE  
Bellevue, WA 98008-5452

In compliance with the provisions of the  
State of Washington Water Pollution Control Law  
Chapter 90.48 Revised Code of Washington, as amended,  
and  
the Federal Water Pollution Control Act  
(The Clean Water Act)  
Title 33 United States Code, Section 1251 et seq.,  
authorizes

**McEVOY OIL COMPANY**  
17720 NE 65<sup>th</sup> Street, Suite 201  
Redmond, WA 98052

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Facility Address:  
130 Samish Way  
Bellingham, WA 98226  
Whatcom County  
Nooksack Water Quality Management Area

Facility Location:  
Latitude: 48° 44' 8.3" N  
Longitude: 122° 28' 15" W

Industry Type:  
Groundwater Remediation

Publicly Owned Treatment Works  
(POTW) Receiving Discharge:  
City of Bellingham Wastewater  
Treatment Plant

SIC Code:  
4613

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to discharge wastewater in accordance with the Special and General Conditions which follows:

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Kevin C. Fitzpatrick  
Water Quality Section Manager  
Northwest Regional Office  
Washington State Department of Ecology

## TABLE OF CONTENTS

SUMMARY OF SCHEDULED PERMIT REPORT .....	4
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### SPECIAL CONDITIONS

S1. DISCHARGE LIMITATIONS .....	5
S2. MONITORING REQUIREMENTS .....	5
A. Wastewater Monitoring .....	5
B. Sampling and Analytical Procedures .....	6
C. Flow Measurement.....	7
D. Laboratory Accreditation.....	7
S3. REPORTING AND RECORDKEEPING REQUIREMENTS .....	7
A. Reporting .....	7
B. Records Retention.....	8
C. Recording of Results.....	8
D. Additional Monitoring by the Permittee .....	8
E. Noncompliance Notification.....	8
F. Dangerous Waste Discharge Notification.....	9
G. Spill Notification.....	9
S4. OPERATION AND MAINTENANCE .....	9
A. Operations and Maintenance Manual .....	9
B. Bypass Procedures .....	10
S5. PROHIBITED DISCHARGES.....	11
A. General Prohibitions .....	11
B. Specific Prohibitions.....	11
C. Prohibited Unless Approved.....	12
S6. DILUTION PROHIBITED.....	12
S7. SOLID WASTE DISPOSAL .....	12
A. Solid Waste Handling .....	12
B. Leachate .....	12
S8. WELL CONSTRUCTION DETAILS .....	13
S9. GROUND WATER QUALITY ANNUAL EVALUATION.....	13
S10. SPILL PLAN.....	13

## GENERAL CONDITIONS

G1.	SIGNATORY REQUIREMENTS.....	15
G2.	RIGHT OF ENTRY .....	16
G3.	PERMIT ACTIONS.....	16
G4.	REPORTING A CAUSE FOR MODIFICATION .....	16
G5.	PLAN REVIEW REQUIRED.....	16
G6.	COMPLIANCE WITH OTHER LAWS AND STATUTES .....	17
G7.	DUTY TO REAPPLY.....	17
G8.	PERMIT TRANSFER.....	17
G9.	REDUCED PRODUCTION FOR COMPLIANCE.....	17
G10.	REMOVED SUBSTANCES .....	17
G11.	PAYMENT OF FEES .....	17
G12.	PENALTIES FOR VIOLATING PERMIT CONDITIONS .....	18

### SUMMARY OF SCHEDULED PERMIT REPORT

Refer to the Special and General Conditions sections of this permit for unscheduled submittal requirements.

<b>Permit Section</b>	<b>Submittal</b>	<b>Frequency</b>	<b>First Submittal Date</b>
S3.A.	Discharge Monitoring Report	Quarterly	April 15, 2004
S4.A.	Operation and Maintenance (O & M) Manual	1/permit cycle	Six (6) months after permit issuance
S4.A.	O & M Review Letter	Annually	Six (6) months after permit issuance
S8.	Well Construction Report	As needed	Thirty (30) days after construction
S9.	Ground Water Quality Annual Evaluation	Annually	Twelve (12) months after permit issuance
S10.	Spill Plan	1/permit cycle	Three (3) months after permit issuance
	Spill Plan Update	As needed	
G7.	Application for Permit Renewal	1/permit cycle	September 1, 2008

## SPECIAL CONDITIONS

### S1. DISCHARGE LIMITATIONS

All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit. The discharge of any pollutant or volume more frequently than, or at a concentration in excess of, that authorized by this permit shall constitute a violation of the terms and conditions of this permit.

Beginning on the effective date and lasting through the expiration date of this permit, the Permittee is authorized to discharge wastewater to the City of Bellingham POTW sewer system subject to the following limitations:

EFFLUENT LIMITATIONS	
Parameter	Maximum Daily <sup>a</sup>
Flow	14,400 gpd
pH	Within 6 to 10 standard units
Benzene	5 µg/L
BTEX	100 µg/L
TPH-G	1.0 mg/L

<sup>a</sup> The maximum daily effluent limitation is defined as the highest allowable daily discharge. The daily discharge means the discharge of a pollutant measured during a calendar day. For other units of measurement, the daily discharge is the average measurement of the pollutant over the day.

### S2. MONITORING REQUIREMENTS

#### A. Wastewater Monitoring

The Permittee shall monitor the wastewater according to the following schedule:

Parameter	Units	Sample Points <sup>1</sup>	Sampling Frequency <sup>2</sup>	Sample Type
Flow	gpd	Final Effluent	Continuously	Totalizing Recorder
Benzene	µg/L	Final Effluent	Twice per month	Grab
BTEX <sup>3</sup>	µg/L	Final Effluent	Twice per month	Grab
TPH-G <sup>4</sup>	mg/L	Final Effluent	Twice per month	Grab
pH	Standard units	Final Effluent	Twice per month	Grab
Lead <sup>5</sup>	µg/L	Final Effluent	Twice per month	Grab

<sup>1</sup> The final effluent sample point is defined as the nearest accessible point after treatment and prior to discharge to the sanitary sewer.

<sup>2</sup> The sampling frequency for final effluent tests may be reduced to monthly (lead may be reduced to quarterly), upon written approval by the Department, if the test results show eight (8) consecutive samples of compliance with effluent limitations. In the event of any noncompliance with effluent limitations, the frequency shall return to twice a month until another eight (8) consecutive samples of compliance is demonstrated and written approval is granted by the Department.

<sup>3</sup> BTEX shall be measured as the sum of benzene, toluene, ethylbenzene, and xylenes using EPA Method 624 or Method SW 8020, or an approved equivalent method(s).

<sup>4</sup> TPH-G (Total Petroleum Hydrocarbons, gasoline-range) shall be measured using Method NW TPH-G<sub>x</sub>. Discussion of the test method for TPH is contained in Analytical Methods for Petroleum Hydrocarbons Publication No. ECY 97-602, June 1997.

<sup>5</sup> Total Lead shall be measured using EPA Method 239.2 or an equivalent method which achieves a detection level of less than 5 ppb. If the monitoring data indicates concentrations exceeding 5 µg/L, the Permittee shall investigate the vicinity's background concentration for lead in groundwater within six (6) months of becoming aware of such concentrations. If the monitoring data indicates exceedance of the background concentration for lead, then the Department will use the available background information to set a lead limit for the facility.

B. Sampling and Analytical Procedures

Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the discharged parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets and maintenance-related conditions affecting effluent quality.

Sampling and analytical methods used to meet the water and wastewater monitoring requirements specified in this permit shall conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136 or to the latest revision of *Standard Methods for the Examination of Water and Wastewater* (APHA), unless otherwise specified in this permit or approved in writing by the Department of Ecology (Department).

C. Flow Measurement

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the quantity of monitored flows. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements is consistent with the accepted industry standard for that type of device. Frequency of calibration shall be in conformance with manufacturer's recommendations and at a minimum frequency of at least one calibration per year. Calibration records shall be maintained for at least three (3) years.

D. Laboratory Accreditation

All monitoring data shall be prepared by a laboratory registered or accredited under the provisions of, *Accreditation of Environmental Laboratories*, Chapter 173-50 WAC. Flow, temperature, settleable solids, conductivity, pH, and internal process control parameters are exempt from this requirement.

**S3. REPORTING AND RECORDKEEPING REQUIREMENTS**

The Permittee shall monitor and report in accordance with the following conditions. The falsification of information submitted to the Department shall constitute a violation of the terms and conditions of this permit.

A. Reporting

The first monitoring period begins on the effective date of the permit. Monitoring results shall be submitted quarterly. Monitoring results obtained shall be reported on the monthly forms as provided, or otherwise approved, by the Department, and be submitted no later than the 15<sup>th</sup> day of the month following the completed reporting period, unless otherwise specified in this permit. One report shall be completed for each month. The first report is due April 15, 2004. The report shall be sent to:

Department of Ecology  
Northwest Regional Office  
3190 - 160th Avenue SE  
Bellevue, WA 98008-5452

Bellingham POTW  
2221 Pacific Street  
Bellingham, WA 98226

Discharge Monitoring Report forms must be submitted quarterly whether or not the facility was discharging. If there was no discharge during a given monitoring period, the Permittee is required to submit the form as required with the words "no discharge" entered in place of the monitoring results.

B. Records Retention

All lab reports providing data for organic and metal parameters shall include the following information: sampling date, sample location, date of analysis, parameter name, CAS number, analytical method/number, method detection limit (MDL), lab practical quantitation limit (PQL), reporting units, and concentration detected.

C. Recording of Results

For each measurement or sample taken, the Permittee shall record the following information: (1) the date, exact place, method, and time of sampling; (2) the individual who performed the sampling or measurement; (3) the dates the analyses were performed; (4) who performed the analyses; (5) the analytical techniques or methods used; and (6) the results of all analyses.

D. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by this permit using test procedures specified by Condition S2 of this permit, then the results of this monitoring shall be included in calculation and reporting of the data submitted in the Permittee's self-monitoring reports.

E. Noncompliance Notification

In the event the Permittee is unable to comply with any of the permit terms and conditions due to any cause, the Permittee shall:

1. Immediately take action to stop, contain, and cleanup unauthorized discharges or otherwise stop the violation, and correct the problem;
2. Repeat sampling and analysis of any violation and submit the results to the Department within seven (7) days after becoming aware of the violation;
3. Immediately notify the Department and the local sewage treatment plant manager of the failure to comply; and
4. Submit a detailed, written report to the Department within thirty (30) days (five [5] days for upsets and bypasses), unless requested earlier by the Department. The report should describe the nature of the violation, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of the resampling, and any other pertinent information.

Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.



F. Dangerous Waste Discharge Notification

The Permittee shall notify the POTW and the Department in writing of the intent to discharge into the POTW any substance designated as a dangerous waste in accordance with the provisions of WAC 173-303-070. This notification shall be made at least ninety (90) days prior to the date that discharge is proposed to be initiated.

G. Spill Notification

The Permittee shall notify the POTW immediately (as soon as discovered) of all discharges that could cause problems to the POTW, such as process spills and unauthorized discharges (including slug discharges).

**S4. OPERATION AND MAINTENANCE**

The Permittee shall at all times be responsible for the proper operation and maintenance of any facilities or systems of control installed to achieve compliance with the terms and conditions of the permit.

A. Operations and Maintenance Manual

An Operations and Maintenance (O&M) Manual shall be prepared by the Permittee in accordance with WAC 173-240-150 and be submitted to the Department for approval within six (6) months after permit issuance. The O&M Manual shall be reviewed by the Permittee at least annually. The Permittee shall confirm the review by letter and/or a manual update to the Department. All manual changes or updates shall be submitted to the Department whenever they are incorporated into the manual. The approved O&M Manual shall be kept available at the permitted facility.

The O&M Manual shall contain the treatment plant process control monitoring schedule, and a description of the methodology to be employed for collecting a representative sample for sampling required under this permit. All operators shall follow the instructions and procedures contained in this manual.

The manual shall include:

1. Chain of command;
2. Contact list with phone numbers (including spill response);
3. Emergency procedures for the facility shutdown and cleanup in the event of wastewater system upset or failure;
4. Facility maintenance procedures and schedule;
5. Routine maintenance of wells, operations and schedule.

B. Bypass Procedures

The Permittee shall immediately notify the Department and the receiving POTW of any spill, overflow, or bypass from any portion of the collection or treatment system.

The bypass of wastes from any portion of the treatment system is prohibited unless one of the following conditions (1, 2, or 3) applies:

1. Unavoidable Bypass—Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. “Severe property damage” means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.

If the resulting bypass from any portion of the treatment system results in noncompliance with this permit, the Permittee shall notify the Department and the receiving POTW in accordance with Condition S3.E “Noncompliance Notification.”

2. Anticipated Bypass That Has the Potential to Violate Permit Limits or Conditions—Bypass is authorized by an Administrative Order issued by the Department. The Permittee shall apply to the Department for the Administrative Order and submit written notice to the POTW at least thirty (30) days before the planned date of bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Department will consider the following prior to issuing an Administrative Order:
  - a. If the bypass is necessary to perform construction or maintenance-related activities essential to meet the requirements of the permit.
  - b. If there are feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, maintenance during normal periods of equipment down time, or transport of untreated wastes to another treatment facility.
  - c. If the bypass is planned and scheduled to minimize adverse effects on the public and the environment.

After consideration of the above and the adverse effects of the proposed bypass and any other relevant factors, the Department will approve or deny the request. The public shall be notified and given an opportunity to comment on bypass incidents of significant duration, to the extent feasible. Approval of a request to bypass will be by Administrative Order issued by the Department under RCW 90.48.120.

3. Bypass For Essential Maintenance Without the Potential to Cause Violation of Permit Limits or Conditions—Bypass is authorized if it is for essential maintenance and does not have the potential to cause violations of limitations or other conditions of the permit, a violation of a pretreatment standard or requirement, or adversely impact public health as determined by the Department prior to the bypass.

## **S5. PROHIBITED DISCHARGES**

### **A. General Prohibitions**

The Permittee shall not introduce into the POTW pollutant(s) which cause pass through or interference.

### **B. Specific Prohibitions**

In addition, the following shall not be introduced into the POTW:

1. Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 60° C (140° F) using the test methods specified in 40 CFR 261.21;
2. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in interference;
3. Any pollutant, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW;
4. Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 40° C (104° F) unless the approval authority, upon request of the POTW, approves alternative temperature limits;
5. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;
6. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

7. Any trucked or hauled pollutants, except at discharge points designated by the POTW;
8. Pollutants which will cause corrosive structural damage to the POTW, unless the work is specifically designed to accommodate such discharges.

C. Prohibited Unless Approved

1. Any of the following discharges are prohibited unless approved by the Department under extraordinary circumstances (such as a lack of direct discharge alternatives due to combined sewer service or a need to augment sewage flows due to septic conditions):
  - a. Noncontact cooling water in significant volumes;
  - b. Storm water and other direct inflow sources, except for the stormwater collected from the sump located within the treatment pad compound;
  - c. Wastewaters significantly affecting system hydraulic loading, which do not require treatment or would not be afforded a significant degree of treatment by the system.
2. Unless specifically authorized in this permit, the discharge of dangerous wastes as defined in Chapter 173-303 WAC, is prohibited.

**S6. DILUTION PROHIBITED**

The Permittee shall not dilute the wastewater discharge with stormwater or increase the use of potable water, process water, noncontact cooling water, or, in any way, attempt to dilute an effluent as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in this permit.

**S7. SOLID WASTE DISPOSAL**

A. Solid Waste Handling

The Permittee shall handle and dispose of all solid waste material in such a manner as to prevent its entry into state groundwater, surface water, or a POTW.

B. Leachate

The Permittee shall not allow leachate from its solid waste material to enter state waters without providing all known, available and reasonable methods of treatment, nor allow such leachate to cause violations of the State Surface Water Quality Standards, Chapter 173-201A WAC, or the State Groundwater Quality Standards, Chapter 173-200 WAC. The Permittee shall apply for a permit or permit modification as may be required for such discharges to state ground or surface waters.

## **S8. WELL CONSTRUCTION DETAILS**

All new wells including Dual Vapor Extraction (DVE) wells must be constructed in accordance with Chapter 173-160 WAC, part 1 and 3 (Minimum Standards for Construction and Maintenance of Wells). Figure 7 in Chapter 173-160 WAC illustrates the well construction. A well construction report shall be submitted to the Department thirty (30) days after the well construction. The final report shall include, at a minimum, the following information:

1. Well construction details;
2. Identification of the name, company, and license number of the driller;
3. Method of drilling the wells;
4. Identification of the name and company of the supervising geologist or hydrogeologist;
5. A copy of the well log and construction details for the well;
6. A copy of material safety data sheets for all products used to construct the well, including well casing, grout, or sealant; filter pack material; and well screen;
7. Description of the method of well development, a summary of results, and geologic sampling frequency;
8. A copy of sample results.

All monitoring wells shall: 1) be clearly labeled, 2) be capped, 3) be locked, 4) be identified with a unique well identification number, and 5) contain a vertical reference point which relates to the nearest vertical benchmark based on the geodetic vertical datum of 1929. Groundwater elevations shall be made prior to purging. The report shall be signed by a qualified groundwater scientist or a qualified engineer.

## **S9. GROUND WATER QUALITY ANNUAL EVALUATION**

The Permittee shall submit an annual groundwater quality report to the Department within twelve (12) months from the issuance date of this permit. The report shall document in plan view the benzene ground water contamination plume and shall contain an evaluation of the effectiveness of treatment provided on-site. Treatment effectiveness may be demonstrated by a presentation of time series graphs of benzene concentrations in downgradient monitoring wells showing ground water quality trends.

## **S10. SPILL PLAN**

Within three (3) months after the issuance date of the permit, the Permittee shall submit to the Department a spill control plan for the prevention, containment, and control of spills or unplanned releases within the remediation compound, including product storage area. All product drums or containers shall be stored within a secondary containment and a roofed cover. The Permittee shall review the plan at least annually and update the spill plan as needed. Changes to the plan shall be sent to the Department. The plan and any supplements shall be followed throughout the term of the permit.

The updated spill control plan shall include the following:

- A description of operator training to implement the plan.
- A description of the reporting system which will be used to alert responsible managers and legal authorities in the event of a spill.
- A description of preventive measures and facilities (including an overall facility plot showing drainage patterns) which prevent, contain, or treat spills of these materials.
- A list of all oil and petroleum products, materials, which when spilled, or otherwise released into the environment, are designated Dangerous Waste (DW) or Extremely Hazardous Waste (EHW) by the procedures set forth in WAC 173-303-070, or other materials which may become pollutants or cause pollution upon reaching state's waters.

Plans and manuals required by 40 CFR part 112, contingency plans required by Chapter 173-303 WAC, or other plans required by other agencies which meet the intent of this section may be submitted.

## GENERAL CONDITIONS

### G1. SIGNATORY REQUIREMENTS

All applications, reports, or information submitted to the Department shall be signed as follows:

- A. All permit applications shall be signed by either a principal executive officer or ranking elected official.
- B. All reports required by this permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - 1. The authorization is made in writing by the person described above and is submitted to the Department at the time of authorization, and
  - 2. The authorization specifies either a named individual or any individual occupying a named position.
- C. Changes to authorization. If an authorization under paragraph B.2, above, is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.
- D. Certification. Any person signing a document under this section shall make the following certification:

*"I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."*

**G2. RIGHT OF ENTRY**

Representatives of the Department shall have the right to enter at all reasonable times in or upon any property, public or private, for the purpose of inspecting and investigating conditions relating to the pollution or the possible pollution of any waters of the state. Reasonable times shall include normal business hours; hours during which production, treatment, or discharge occurs; or times when the Department suspects a violation requiring immediate inspection. Representatives of the Department shall be allowed to have access to, and copy at reasonable cost, any records required to be kept under terms and conditions of the permit; to inspect any monitoring equipment or method required in the permit; and to sample the discharge, waste treatment processes, or internal waste streams.

**G3. PERMIT ACTIONS**

This permit shall be subject to modification, suspension, or termination, in whole or in part by the Department for any of the following causes:

- A. Violation of any permit term or condition;
- B. Obtaining a permit by misrepresentation or failure to disclose all relevant facts;
- C. A material change in quantity or type of waste disposal;
- D. A material change in the condition of the waters of the state; or
- E. Nonpayment of fees assessed pursuant to RCW 90.48.465.

The Department may also modify this permit, including the schedule of compliance or other conditions, if it determines good and valid cause exists, including promulgation or revisions of regulations or new information.

**G4. REPORTING A CAUSE FOR MODIFICATION**

The Permittee shall submit a new application, or a supplement to the previous application, along with required engineering plans and reports, whenever a new or increased discharge or change in the nature of the discharge is anticipated which is not specifically authorized by this permit. This application shall be submitted at least sixty (60) days prior to any proposed changes. Submission of this application does not relieve the Permittee of the duty to comply with the existing permit until it is modified or reissued.

**G5. PLAN REVIEW REQUIRED**

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications shall be submitted to the Department for approval in accordance with Chapter 173-240 WAC. Engineering reports, plans, and specifications should be submitted at one hundred and eighty (180) days prior to the planned start of construction. Facilities shall be constructed and operated in accordance with the approved plans.



**G6. COMPLIANCE WITH OTHER LAWS AND STATUTES**

Nothing in the permit shall be construed as excusing the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

**G7. DUTY TO REAPPLY**

The Permittee must apply for permit renewal at least one hundred and eighty (180) days prior to the specified expiration date of this permit.

**G8. PERMIT TRANSFER**

This permit is automatically transferred to a new owner or operator if:

- A. A written agreement between the old and new owner or operator containing a specific date for transfer of permit responsibility, coverage, and liability is submitted to the Department;
- B. A copy of the permit is provided to the new owner and the receiving POTW is notified; and
- C. The Department does not notify the Permittee of the need to modify the permit.

Unless this permit is automatically transferred according to Section A, above, this permit may be transferred only if it is modified to identify the new Permittee and to incorporate such other requirements as determined necessary by the Department.

**G9. REDUCED PRODUCTION FOR COMPLIANCE**

The Permittee shall control production or discharge to the extent necessary to maintain compliance with the terms and conditions of this permit upon reduction of efficiency, loss, or failure of its treatment facility until the treatment capacity is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power for the treatment facility is reduced, lost, or fails.

**G10. REMOVED SUBSTANCES**

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall not be resuspended or reintroduced to the effluent stream for discharge.

**G11. PAYMENT OF FEES**

The Permittee shall submit payment of fees associated with this permit as assessed by the Department. The Department may revoke this permit if the permit fees established under Chapter 173-224 WAC are not paid.

**G12. PENALTIES FOR VIOLATING PERMIT CONDITIONS**

Any person who is found guilty of willfully violating the terms and conditions of this permit shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to ten thousand dollars and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit shall incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be and be deemed to be a separate and distinct violation.